

CHAPTER 25 MISCELLANEOUS ZONING REQUIREMENTS

Secs.

2500	Accessory Uses and Buildings
2501	Mechanical Amusement Machines: Accessory Use
2502	Projections into Required Open Spaces
2503	Structures in Required Open Spaces
2504	Stripping of Topsoil
2505	Excavation of Rock, Clay, Sand, or Gravel
2506	Signs
2507	Buildings on Alley Lots
2508	Tenement Houses
2509	Referrals to Other Agencies
2510	Congressional Limitation on Building Heights
2511	Designated Business Streets
2512	Heights of Buildings Adjacent to Public Buildings
2513	Architectural Review by Commission of fine Arts
2514	Boundary Line Crossing a Lot
2515	Exceptions to Density Regulations for Open Arcades
2516	Exceptions to Building Lot Control (Residence Districts)
2517	Exceptions to Building Lot Control (Other Than Residence Districts)
2518	Relationship of Pennsylvania Avenue Plan to Zoning
2519	Spacing Between Community-Based Residential Facilities
2520	Regulation of Antennas
2599	Definitions

2600 ACCESSORY USES AND BUILDINGS

- 2500.1 Any **accessory** use or accessory building shall be located on the same lot with the use or building to which it is accessory; Provided, that required accessory parking space may be permitted on another lot where specifically permitted under other provisions of this title.
- 2500.2 An accessory building shall be located only in a rear yard, except as follows:
- (a) An accessory private garage may be located in a side yard under the special regulations set forth in §2300; and
 - (b) A pump island canopy and any kiosk adjacent to the pumps used exclusively as an attendants shelter of a gasoline service station may be located in any open area of a lot not within twenty-five feet (25 ft.) of a Residence District unless separated therefrom by a street or alley.
- 2500.3 No more than thirty percent (30%) of the area of a required rear yard on any lot shall be occupied by an accessory building or buildings.
- 2500.4 An accessory building in any district shall not exceed one (1) story or fifteen feet (15 ft.) in height, except as provided in §2500.5.

- 2500.5 In an R-I-A or R-I-B district, an accessory private garage may have a second story used for sleeping or living quarters of domestic employees of the family occupying the main building.
- 2500.6 A two (2) story accessory building allowed under §2500.5 shall not exceed twenty feet (20 ft.) in height, and shall not be located within the required rear yard. The two (2) story accessory building shall also be set back from all side lot lines for a distance equal to the minimum width of a required side yard in the district in which it is located.
- 2500.7 The height of an accessory building permitted by §2500.4 or 2500.5 shall be measured from the finished grade at the middle of the side of the accessory building that faces the main building to the highest point of the roof of the building.
- 2500.8 An accessory building or structure shall not be erected on any lot prior to the time of construction of the main building to which it is accessory.
- 2500.9 An accessory building shall not obstruct light and ventilation required by other regulations.

2501 MECHANICAL AMUSEMENT MACHINES: ACCESSORY USE

- 2501.1 The provisions of this section shall be applicable to accessory mechanical amusement machines.
- 2501.2 Where a person seeks to offer or provide more than three (3) mechanical amusement machines as an accessory use, that person shall first provide a dimensioned drawing which is drawn to scale and certified as to accuracy by the owner of the business. The scaled drawing is intended to provide the Zoning Administrator with the data necessary to make the appropriate review as required in this section.
- 2501.3 The drawings required by §2501.2 shall show the floor area of the entire establishment, including the area to be devoted to the use of the mechanical amusement machines, and the percentage of the establishment or facility to be devoted to the use of the mechanical amusement machines.
- 2501.4 Where mechanical amusement machines are permitted as accessory uses, the machines shall not exceed the following:
- (a) In an establishment or facility of less than two thousand square feet (2,000 ft.²) more than five percent (5%) of the floor area of the establishment or facility, or a maximum of three (3) machines;

- (b) In an establishment or facility of two thousand and one square feet (2,001 ft.²) to four thousand square feet (4,000 ft.²) more than five percent (5%) of the floor area of the establishment or facility, or a maximum of five (5) machines; and
 - (c) In an establishment or facility of more than four thousand square feet (4,000 ft.²) more than five percent (5%) of the floor area of the establishment or facility, or a maximum of ten (10) machines.
 - 2501.5 Accessory mechanical amusement machines shall not be used to display specified sexual activities or specified anatomical areas, except that in the C-3-C, C-4, and C-5 (PAD) districts, display of specified sexual activities or specified anatomical areas in mechanical amusement machines may be permitted if approved by the Board of Zoning Adjustment in accordance with §§744 and 754.
 - 2501.6 The provisions of chapters 2 through 11 of this title, and §3203 of chapter 32, shall not prohibit, nor be construed to prohibit, the continued use or operation of mechanical amusement machines as accessory uses in numbers and locations as have been licensed on or after October 31, 1977, by the District government, even though those machines as accessory uses do not otherwise conform to this title; Provided, that the numbers of those machines shall not exceed by more than fifty percent (50%) the maximum number of machines otherwise permitted by the requirements of §2501.4.
- 2502 PROJECTIONS INTO REQUIRED OPEN SPACES
- 2502.1 Except for the projections and encroachments specified in this section, and the exceptions set forth in §2503, every part of a required yard or court or other required open space shall be open and unobstructed to the sky.
 - 2502.2 Cornices and eaves may project over any required yard or court for a distance not to exceed two feet (2 ft.).
 - 2502.3 Sills, leaders, belt courses, and similar ornamental or structural features may project over any required yard or court a distance not to exceed six inches (6 in.).
 - 2502.4 The ordinary projection of skylights above the bottom of a yard or court shall be permitted if placed so as not to obstruct light and ventilation.
 - 2502.5 Awnings serving a window, porch, or door may project into a required yard or an open court for a distance not to exceed forty inches (40 in.);
 - 2502.6 An open or lattice-enclosed fire balcony or fire escape may project into a required yard or an open court for a distance not to exceed four feet (4 ft.).
 - 2502.7 A chimney, smokestack, or flue may project into any required rear yard, provided the horizontal section of the projection does not exceed five square feet (5 ft.²).

2502.8 A chimney, smokestack, or flue may project into any required side yard for a distance not to exceed two feet (2 ft.).

2502.9 A room air conditioner (self-contained) may project into any required yard or court a distance not to exceed two feet (2 ft.).

2503 STRUCTURES IN REQUIRED OPEN SPACES

2503.1 Except for the structures specified, and the exceptions set forth in this section, every part of a yard required under the provisions of this title shall be open and unobstructed to the sky from the ground up.

2503.2 A structure, not including a building, no part of which is more than four feet (4 ft.) above the grade at any point may occupy any yard required under the provisions of this title. Any railing required by the D.C. Building Code shall not be calculated in the measurement of this height.

2503.3 A fence or retaining wall constructed in accordance with the D.C. Building Code may occupy any yard required under the provisions of this title.

2503.4 Stairs leading to the ground from a door located on the story in which the principal entrance of a building is located may occupy any yard required under provisions of this title. The stairs shall include any railing required by the provisions of the D.C. Building Code.

2503.5 An antenna which complies with all other requirements of this title may occupy any side or rear yard which is required by any provision of this title.

2504 STRIPPING OF TOPSOIL

2504.1 No person, firm, or corporation other than the District government or an agency acting under contract with the District government shall remove topsoil or sod in any district, other than an M district, except under one (1) of the following conditions:

- (a) In connection with the construction or alteration of a building for which a building permit has been previously issued, or in connection with excavation or grading incidental to the building or maintenance of the building grounds;
- (b) In connection with normal lawn preparation and maintenance on the lot from which the topsoil or sod is removed;
- (c) In connection with any accessory use incidental to a permitted use;
- (d) In connection with the construction or alteration of a street or alley; or

(e) As incidental to a use permitted in §2505

2505 EXCAVATION OF ROCK, CLAY, SAND, OR GRAVEL

2505.1 The excavation of rock for commercial purposes, or the operation of a rock quarry, shall be expressly prohibited in any district.

2505.2 Clay, sand, or gravel may be excavated for commercial purposes in a C-M or M district, subject to the standards of external effects for a C-M district as specified in §804.

2505.3 If approved by the Board of Zoning Adjustment, clay, sand, or gravel may be excavated for commercial purposes in a Residence or Commercial district; Provided, that the requirements of §2505.4 through §2505.12 shall be met.

2505.4 The applicant for Board approval under §2505.3 shall submit with his or her application a site plan showing the following:

- (a) The proposed area of operation;
- (b) The distance between any excavation operation and existing streets, alleys, and lot lines of the lot upon which the use will be located;
- (c) All existing underground utilities;
- (d) The proposed manner of operation, including the routing of trucking to and from the site; and
- (e) The proposed rehabilitation or improvement of the site when operations cease.

2505.5 The following shall be prohibited:

- (a) Cement plants or rock crushers;
- (b) Other crushing, grinding, or polishing machinery; and
- (c) Other processing equipment.

2505.6 Dirt or dust shall not be permitted to escape or be discharged in objectionable amounts from the lot upon which the excavation is conducted.

2505.7 All private access roads shall be provided with a dustless surface.

2505.8 The lot upon which the excavation is conducted shall be enclosed by a fence of a type and to a height to be prescribed by the Board, unless expressly waived by the Board of Zoning Adjustment.

2505.9 Excavation operations shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., with no operations conducted on Sundays or legal holidays.

- 2505.10** The excavation operations shall be subject to any requirements for setback, screening, or other requirement that the Board deems necessary for the protection of neighboring or adjacent property.
- 2505.11** The Board may require the execution of a bond to secure the performance of all conditions imposed on the excavation.
- 2505.12** Upon cessation of any excavation operations approved under §2505.3, the site devoted to that use shall be rehabilitated in the following manner:
- (a) The final slope or wall of any excavation or pit shall not exceed the normal limiting angle of repose or slippage, and shall be planted to prevent erosion;
 - (b) The site shall be left in a condition so that it will not unreasonably interfere with the future development of neighboring or adjacent property, or any street or alley for which an approved line and grade have been established; and
 - (c) Any other conditions that the Board deems necessary to preserve the sightlines of the site, or necessary to meet the requirements of safety, shall be met.

2506 SIGNS

- 2506.1** Any outdoor sign or other form of exterior advertising erected in any district shall comply with the “Regulations governing the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia” (D.C. Building Code, DCMR Title 12).

2507 BUILDINGS ON ALLEY LOTS

- 2507.1** Except for use as a one-family dwelling, a structure shall not be erected, constructed, converted, altered, remodeled, restored, or repaired for human habitation on an alley lot.
- 2507.2** A one-family dwelling shall not be erected or constructed on an alley lot unless the alley lot abuts an alley thirty feet (30 ft.) or more in width and has from the alley access to a street through an alley or alleys not less than thirty feet (30 ft.) in width.
- 2507.3** An existing one-family dwelling located on an alley lot which abuts an alley less than thirty feet (30 ft.) in width shall not be converted, altered, remodeled, restored, or repaired for use as a one-family dwelling if the cost of the conversion, alteration, remodeling, restoration, or repair exceeds one-half of the value of the structure immediately prior to the time of the conversion, alteration, remodeling, restoration, or repair. Non-residential structures located on these alleys shall not be converted, altered, remodeled, restored, or repaired for human habitation, regardless of cost.

- 2507.4 The height of building of a structure erected or constructed on an alley lot shall not exceed the distance from the opposite side of the abutting alley to the outside wall of the structure nearest the alley.
- 2507.5 An artist studio shall be a permitted use in a building located on an alley lot, subject to the following criteria:
- (a) Occupancy of the building shall be limited to one artist and one apprentice for each (450 ft.²) of gross floor area;
 - (b) AU operations and storage of materials shall occur inside the building;
 - (c) Incidental sales of art of the work produced by the occupants of the studio shall be permitted within the studio;
 - (d) The artist may teach the art to one or more apprentices; and
 - (e) In addition to any parking spaces which are required by §2101 or any other provision of this title, parking for the studio use shall be provided at the rate of one (1) parking space for each three (3) occupants of the studio.
- 2507.6 When approved by the Board of Zoning Adjustment, an alley lot in an R-4 or R-5 district may be used for any use permitted under §333, subject to the conditions specified in that section.

2508 TENEMENT HOUSES

- 2508.1 The erection or construction of new tenement houses shall be expressly prohibited in any district.
- 2508.2 Conversion to a tenement house of a building or other structure erected or constructed after the effective date of these regulations shall be expressly prohibited in any district.

2509 REFERRALS TO OTHER AGENCIES

- 2509.1 Where the provisions of this title provide for the referral of an application to another public agency for review and report, a period of forty (40) days from the date of the submission shall be allowed, unless a different period is stated specifically in this title.
- 2509.2 The period of time may be extended for an additional forty (40) days upon the mutual agreement of all agencies involved.

2510 CONGRESSIONAL LIMITATION ON BUILDING HEIGHTS

- 25 10.1 In addition to any controls established in this title relative to height of buildings or structures, all buildings or other structures shall comply with the provisions of the “Act to Regulate the Height of Buildings in the District of Columbia,” 36 *Stat.* 452, approved June 1, 1910, as amended.

2511 DESIGNATED BUSINESS STREETS

- 2511.1 For the purpose of administering this title, that portion of the Act referred to in §2510 that designates certain streets as “business streets” shall be interpreted to mean those sides and portions of any street located in a Special Purpose, Waterfront, Mixed Use, Commercial, or Industrial district.

2512 HEIGHTS OF BUILDINGS ADJACENT TO PUBLIC BUILDINGS

- 2512.1 In addition to the requirements for the height of buildings and structures in other provisions of this title, buildings or structures adjacent to public buildings shall be subject to the “Schedule of Heights of Buildings Adjacent to Public Buildings” as adopted by the Commissioners of the District in conformity with the “Act to Regulate the Height of Buildings in the District of Columbia” (36 *Stat.* 452), approved June 1, 1910, as amended.

2513 ARCHITECTURAL REVIEW BY COMMISSION OF FINE ARTS

- 2513.1 In addition to all provisions of this title, any building or structure erected after May 12, 1958, within the area of jurisdiction of the Shipstead-Lute Act (46 *Stat.* 366), approved May 16, 1930, as amended, or within the area of jurisdiction of the Old Georgetown Act (964 *Stat.* 903), approved September 22, 1950, as amended, shall be subject to the architectural review established by those acts and administered by the Commission of Fine Arts.

2514 BOUNDARY LINE CROSSING A LOT

- 2514.1 When a district boundary line divides a lot which is in single ownership on May 12, 1958, the permitted use and bulk of a structure located on that lot may be determined as follows:

- (a) The allowable bulk for the portion of the lot located in a lesser restrictive use district may be increased by the bulk permitted on the portion of the lot located in a more restrictive use district; Provided, that no portion of any structure permitted on the lesser restricted portion of the lot shall be extended to the more restricted portion of the lot;
 - (b) The calculation for determining additional bulk shall include only that portion of the lot in the more restrictive use district which is located within thirty-five feet (35 ft.) of the district boundary line;
 - (c) The additional bulk authorized in this section shall not exceed the maximum bulk permitted on the portion of the lot located in the lesser restrictive use district;
 - (d) For computation purposes, any portion of the lot located in an R-1 or R-2 district shall be deemed to be limited to a floor area ratio of four-tenths (0.4), and any portion of the lot located in an R-3 district shall be deemed to be limited to a floor area ratio of six-tenths (0.6), and any portion of the lot located in an R-4 district shall be deemed to be limited to a floor area ratio of nine-tenths (0.9); and
 - (e) Except for accessory open parking facilities permitted elsewhere in this title, the portion of the lot located in a more restrictive use district shall be devoted only to required yards or courts, or other open spaces.
- 2514.2 If approved by the Board of Zoning Adjustment, the regulations applicable to that portion of a lot located in a lesser restrictive use district that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use district; Provided, that the following requirements shall be met:
- (a) The extension shall be limited to that portion of the lot in the more restrictive . use district but not exceeding thirty-five feet (35 ft.);
 - (b) In authorizing an extension, the Board shall require compliance with §2514.1(d);
 - (c) The extension shall have no adverse effect upon the present character and future development of the neighborhood; and
 - (d) The Board may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.
- 2514.3 For the purpose of interpreting this section, the districts established in this title are listed in the following groups of decreasing use restrictions:
- (a) R-1-A, R-1-B, R-2, and R-3 districts;
 - (b) R-4, R-5-A, R-5-B, R-5-C R-5-D, R-5-E, and SP districts;

- (c) C-1, C-2-A, C-2-B, C-2-C, C-3-A, C-3-B, C-3-C C-4, and C-5 (PAD) districts:
- (d) W-1, W-2, W-3, and CR **districts**; and
- (e) C-M-1, C-M-2, C-M-3, and M districts.

2515 EXCEPTIONS TO DENSITY REGULATIONS FOR OPEN ARCADES

- 2515.1 This section establishes the standards and requirements for arcades to receive a floor area ratio credit.
- 2515.2 This section is designed to encourage open arcades at sidewalk level, to increase pedestrian convenience, and to result in greater open area adjacent to public streets without loss of rental floor space.
- 2515.3 An open arcade shall be allowed a floor area ratio credit not to exceed twenty-five percent (25%) of the gross floor area of the floor that is adjacent to the arcade, whichever is less.
- 2515.4 An open arcade shall be permitted in all R-5, SP, W, CR, and all C districts except C-5 (PAD); Provided, that the requirements of this section shall be met.
- 2515.5 An open arcade shall provide pedestrian access to and along a building and shall extend for the entire side of the building or other structure and adjoin a street or pedestrian way at sidewalk level. This open arcade shall be designed to meet and carry through the arcades of adjoining buildings.
- 2515.6 The floor area granted by this section shall apply only to those areas embraced within the perimeter of the open arcade. Where vehicular access is permitted across an arcade area, the portion of the arcade encompassed by the access space shall not be counted for the purposes of this section.
- 2515.7 An open arcade shall be not less than ten feet (10 ft.) in width at any point, including piers, columns, or arches. The minimum open, unobstructed passageway shall be seven feet (7 ft.) in width.
- 2515.8 An open arcade shall be not less than nine feet (9 ft.) in height at any point within the arcade.
- 2515.9 An open arcade shall have its floor at the same level and continuous with the sidewalks, and shall connect to existing, adjoining open arcades or shall be constructed to permit this connection in the future; Provided, that where the existing arcade is at a different elevation, the new arcade connection shall be made in a barrier-free manner.
- 2515.10 The use of the area within an open arcade shall be restricted essentially to pedestrian uses, and vehicular access to or through an open arcade shall be minimized.

2515.11 In commercial buildings, an open arcade shall include retail and service uses fronting on at least sixty percent (60%) of the arcade, with these uses directly accessible from the open arcade.

2515.12 The additional gross floor permitted under §2515.3 shall not be counted in determining the number of off-street parking spaces or loading berths.

2516 EXCEPTIONS TO BUILDING LOT CONTROL (Residence Districts)

2516.1 If approved by the Board of Zoning Adjustment in accordance with the conditions set forth in §3108 of this title, two (2) or more principal buildings or structures may be erected on a single subdivided lot, subject to the provisions of this section.

2516.2 The provisions of this section shall apply to construction on a lot that is located in, or within twenty-five feet (25 ft.) of, a residence district as designated in §105 of this title.

2516.3 In addition to other filing requirements, the applicant shall submit to the Board, with the new application, four (4) site plans, for all new rights-of-way and easements, and existing and preliminary landscaping and grading plans with approximate building footprints; Provided, that the following requirements are met:

- (a) The applicant shall also submit, either with the original application or at a later time, final landscaping and grading plans, and two (2) sets of typical floor plans and elevations; and
- (b) If the applicant elects to submit the plans referenced in §2516.3(a) at a later date, the Board's original approval shall be conditioned, subject to a later public hearing and final decision on the project as a whole.

2516.4 The number of principal buildings permitted by this section shall not be limited; Provided, that the applicant for a permit to build submits satisfactory evidence that all requirements of this chapter (such as use, height, bulk, open spaces around each building, and limitations on structures on alley lots pursuant to §2507), and §§3202.2 and 3202.3 are met.

2516.5 If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:

- (a) The front of the building shall be the side upon which the principal entrance is located;
- (b) Open space in front of the entrance shall be required that is equivalent either to the required rear yard in the district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;

- (c) A rear yard shall be required; and
 - (d) If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.
- 2516.6 In providing for net density pursuant to §2516.11, the Board shall require at least the following:
- (a) The area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title;
 - (b) Notwithstanding any other provision of this title, each means of vehicular ingress or egress to any principal building shall be twenty-five feet (25 ft.) in width, but need not be paved for its entire width;
 - (c) If there are not at least two (2) entrances and/or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than sixty feet (60 ft.); and
 - (d) The requirements of paragraphs (b) and (c) of this subsection may be modified if the Board finds that a lesser width and/or diameter will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood; Provided, that the Board shall give specific consideration to the spacing of buildings and the availability of resident, guest, and service parking.
- 2516.7 Where not in conflict with the Act of June 1, 1910 (36 Stat. 452), as amended, the height of a building governing by the provisions of this section, in all districts, shall be measured from the finished grade at the middle of the front of the building.
- 2516.8 The provisions of this section shall also apply to buildings erected under the terms and conditions of §410 of this title.
- 2516.9 The substantive provisions of this title shall be complied with, and the proposed development shall not be likely to have an adverse effect on the present character and future development of the neighborhood.
- 25 16.10 Before taking final action on an application under this section, the Board shall refer the application to the District of Columbia Office of Planning for coordination review, and report, which coordination, review, and report shall consider the following:
- (a) The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government; Provided, that the planning considerations that are addressed shall include, but not be limited to the following:

- (1) Public safety relating to police and fire concerns;
 - (2) The environment, relating to water supply, water pollution, soil erosion, and solid waste management;
 - (3) Public education;
 - (4) Recreation;
 - (5) Parking, loading, and traffic;
 - (6) Urban design; and
 - (7) As appropriate, historic preservation, and visual impacts on adjacent parkland;
 - (b) Considerations of site planning; the size, location, and bearing capacity of driveways; deliveries to be made to the site; side and rear yards; density and open space; and the location, design and screening of structures;
 - (c) Considerations of traffic to be generated and parking spaces to be provided, and their impacts;
 - (d) The impact of the proposed development on neighboring properties; and
 - (f) The findings, considerations, and recommendations of other District government agencies.
- 2516.11 The Board may impose conditions with respect to the size and location of driveways; net density; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations.
- 2517 EXCEPTIONS TO BUILDING LOT CONTROL (Other Than Residence Districts)
- 2517.1 This section shall permit two (2) or more principal buildings or structures to be erected as a matter of right on a single subdivided lot that is not located in, or within twenty-five feet (25 ft.) of, a residence district.
- 2517.2 The number of principal buildings permitted by this section shall not be limited; Provided, that the applicant for a permit to build submits satisfactory evidence that all requirements of this chapter (such as use, height, bulk, open spaces around each building), as provided by §§3202.2 and 3202.3 are met.
- 2517.3 If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:

- (a) The front of the building shall be the side upon which the principal entrance is located;
- (b) Open space in front of the entrance shall be provided that is equivalent to the required rear yard in the district in which the building is located, and
- (c) A rear yard shall be required.

2517.4 Where not in conflict with the Act of June 1, 1910 (36 Stat. 452), as amended, the height of a building governing by the provisions of this section, in all districts, shall be measured from the finished grade at the middle of the front of the building.

2518 **RELATIONSHIP OF PENNSYLVANIA AVENUE PLAN TO ZONING**

2518.1 Pursuant to §7(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92-578, October 27, 1972), as amended, all new construction, including substantial remodeling, conversion, rebuilding, enlargement, major structural improvement or demolition of an existing building, shall receive prior approval and certification by the Corporation that the construction is consistent with the implementation of the Pennsylvania Plan 1974.

2519 **SPACING BETWEEN COMMUNITY-BASED RESIDENTIAL FACILITIES**

2519.1 The “Directory of Public and Private Community-Based Residential Facilities,” prepared by the Office of Planning, updated through July 9, **1981**, shall be used to determine if there are any other community-based residential facilities located in the same square or within a specified distance of a proposed community-based residential facility, whenever these regulations require that this determination be made. The Directory may be updated from time to time by the Zoning Administrator.

2520 **REGULATION OF ANTENNAS**

2520.1 The purposes for the regulation of antennas as a particular type of structure shall be as follows:

- (a) The Zoning Commission has determined that certain antennas, because of their size, shape, design, construction or location, may affect the health, welfare or safety of the population and may detract from the streetscape, landscape, skyline, scenic beauty or aesthetic interests of Washington, D.C.. and its role as the Nation’s Capital;

- (b) The Zoning regulations therefore regulate the size, height, construction, design and location of antennas and antenna structures which have the greatest potential for adverse impact on the impact on the health, safety and welfare of the population, and on neighborhood quality, and those which have the greatest potential for adverse impact on the scenic beauty of the Nation's Capital; and
- (c) The principal types of antennas regulated are those that, because of their shape and relatively large mass, potentially have the greatest visual impact and include, by example, large satellite earth station antennas and certain microwave terrestrial antennas.

2520.2 If the Zoning Administrator determines that an antenna does not meet the definition of any specific class of an antenna as set forth in §199 of this title, the Zoning Administrator shall determine the class of antenna to which it is closest, and treat the antenna accordingly.

2521 SOUTHWEST URBAN RENEWAL AREA

2521.1 The following exceptions to development controls shall apply to specified properties located in the former Southwest Urban Renewal Area, an area that was geographically delineated and regulated for development by the District of Columbia Redevelopment Act of 1945, P.L. 79-592, 60 Stat. 790, and the several Urban Renewal Plans adopted pursuant thereto, until the development controls expired in 1992 through 1996:

- (a) A lot in a W-1 District shall be permitted a maximum FAR of 2.0 for commercial or nonresidential uses;
- (b) A lot in a W-1, R-3, R-5 or C-3 District shall be permitted to provide all or a portion of its parking requirements on a different lot, provided that the required parking shall be located within 300 feet of any part of the lot that generates the parking requirements;
- (c) In a W-1 District an addition to a hotel existing as of November 20, 1998, shall be permitted a maximum height of 62 feet, D.C. datum;
- (d) In Square 536 in the C-3-C District, a building shall be permitted a maximum FAR of 8.0 and a lot occupancy of 100 percent; no rear or side yard requirement shall apply;
- (e) A building or structure that was built prior to the effective date of adoption of zoning for the Southwest Urban Renewal areas which conformed to the height, area and bulk provisions of the Urban Renewal Plans shall be considered a conforming structure under these Regulations and in the event of fire, collapse, explosion or act of God, may be built to its size as of the date specified above;

- (f) A building or structure that is constructed on a lot designated in the Urban Renewal Plan as P-1 through P-5 shall not exceed a height of 22 feet above grade unless the Board of Zoning Adjustment, after public hearing, determines that the proposed height, bulk and design are in harmony with existing uses and structures on neighboring property: and
- (g) No development above grade shall be permitted on Lot 844 in Square 473 (the property designated P-6 in the Urban Renewal Plan for the Southwest Urban Renewal Area Project C). However, the density permitted on the property as a matter of right may be constructed elsewhere as transferable development rights TDR). These TDRs may be developed on property in the C-3-C District within TDR receiving zones.

2522 MINOR FLEXIBILITY BY ZONING ADMINISTRATOR'S RULING

- 2522.1 The Zoning Administrator is authorized to permit, cumulative totals for Plan Review and Construction Field Checks, the following deviations, if the Zoning Administrator determines that the deviation or deviations will not impair the purpose of the otherwise applicable regulations:
- (a) Deviations not to exceed two percent (2%) of the area requirements governing minimum lot size, percentage of lot occupancy and areas of courts and roof structures;
 - (b) Deviations not to exceed the greater of two percent (2%) or twelve (12) inches of the linear requirements governing minimum lot width; and
 - (c) Deviations not to exceed the greater of ten percent (10%) or twelve (12) inches of linear requirement governing rear yard, side yard, minimum dimensions of the court and court niche and roof structure setback requirements, provided that all deviations of roof structure setback requirements comply with the provisions of the "Act to Regulate the Height of Buildings in the District of Columbia," Stat. 452, approved June 1, 1910, as amended.

2599 DEFINITIONS

- 2599.1 The provisions of §199 of chapter 1 of this title, and the definitions set forth in that section, shall be incorporated by reference in this section.